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Name of person signing this certificate: Jon L. Roberts, Esq.

Signature: 

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.: 10/654,668 Confirmation No.: 5368  
Applicant: Brian A. Rosenfeld, M.D. and Michael Breslow, M.D.  
Filed: September 4, 2003  
Group Art Unit: 3626  
Examiner: MORGAN, Robert  
Docket No.: 2483-001CIP1

**COMMUNICATION REGARDING ON-GOING LITIGATION AND  
REEXAMINATION OF U.S. PATENT 6,804,656**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The above-referenced application and U.S. Patent 6,804,656 (the "'656 Patent'") are commonly owned by Visicu, Inc. The '656 Patent is cited in the priority claim of the above-referenced application. The purpose of this communication is to inform the Examiner that on November 12, 2004, Cerner Corporation filed suit against Visicu, Inc. Cerner Corporation v. Visicu, Inc., United States District Court for the Western District Of Missouri, Western Division (Case No. 04-1033-CV-W-GAF) in which Cerner alleges that the U.S. Patent 6,804,656 is invalid.

Further, the '656 Patent is the subject of an on-going reexamination (Control No.: 90/007,377).

Respectfully Submitted,

By 

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